

**REMARKS**

Claims 1-5, 7-9, 13-17, 19-30, 35-36, and 39-41 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Number 6,618,727 B1 by Wheeler et al. (hereinafter "Wheeler"). Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wheeler, as applied to claims 1-5, 7-9, 13-17, 19-30, 35-36, and 39-41 above and in view of U.S. Patent Number 6,026,409 by Blumenthal (hereinafter "Blumenthal"). Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wheeler as applied to claims 1-5, 7-9, 13-17, 19-30, 35-36, and 39-41 above and in view of U.S. Patent 5,675,819 by Schuetze (herein after "Schuetze"). Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler, as applied to claims 1-5, 7-9, 13-17, 19-30, 35-36, and 39-41 above and in view of U.S. Patent 5,983,216 by Kirsch, et al. (hereinafter "Kirsch"). Claims 18, 33, 34, 38, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler, as applied to claims 1-5, 7-9, 13-17, 19-30, and 39-41 above and in view of U.S. Patent 5,675,819 by Agrawal, et al. (hereinafter "Agrawal"). Claims 31, 32, 37, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler, as applied to claims 1-5, 7-9, 13-17, 19-30, and 39-41 above and in view of U.S. Patent 20030084040A1 by Jeffrey (hereinafter "Jeffrey").

No claims have been amended, cancelled or added. Reconsideration of this application is respectfully requested.

**35 U.S.C. §102 rejections**

The Examiner has rejected claims 1-5, 7-9, 13-17, 19-30, 35-36, and 39-41 under 35 U.S.C. 102(e) as being anticipated by Wheeler. In regards to claim 1, the Examiner states:

generating a list of one or more related documents ranked (col. 2, lines 11- 13) based upon relevance to a first representation of content associated with a first field of a reference extensible markup language document, the first representation including a set of terms and one or more weighted values associated with each term in the set of terms (col. 2, lines 36-47; col. 7, lines 56-65; col. 20, lines 36-47 and Fig. 25);  
(Office Action page 2)

However, Applicants assert that Wheeler does not anticipate claim 1 under 35 U.S.C. §102(e). Claim 1 states:

1. A method comprising:  
generating a list of one or more related documents ranked based upon relevance to a first representation of content associated with a first field of a reference extensible markup language document, the first representation including of a set of terms and one or more weighted values associated with each term in the set of terms; and  
generating a link to each of the one or more related documents.

(Emphasis Added)

Wheeler does not disclose the generation of a list of one or more related documents ranked upon relevance to a first representation of content. In contrast,

Wheeler discloses:

a hierarchy of parent and child categories to be searched, linking each child category with its parent category.  
(Wheeler, col. 2, lines 11-13)

Creating a hierarchy of parent and child categories further comprises assigning an entry in a data structure... Linking each child category with

its parent category further comprises assigning an index to connect each child category with its parent category.  
(Wheeler, col. 2, lines 21-26)

Wheeler merely discloses a parent-child hierarchy, in which a child category is linked with its corresponding parent category through an entry in a data structure. Claim 1 is distinguished by teaching the ranking of one or more documents based upon relevance to a first representation of content. Thus, Wheeler discusses rankings using a parent-child hierarchy in which the child category is linked to its parent category, rather than being based upon relevance to a first representation of content.

Further, Wheeler does not disclose the first representation including a set of terms and one or more weighted values associated with each term in the set of terms as claimed in claim 1. Wheeler states:

Once the query is entered, the similarity search scores are assigned, the parent scores are computed from their children and the report results are generated.  
(Wheeler, col. 7, lines 60-63)

Wheeler is merely disclosing that search scores are assigned. Where parent scores are computed from their children scores. Nothing here discloses the association of one or more weighted values with a set of search terms. Wheeler further states:

The document labeled anchor 340 is the first document in a hierarchical language that is annotated with a scoring method or algorithm (measure), weighting and parent scoring algorithm, the annotated first document becoming a query which is used to search a second document. The score represents the similarity search results as specified by the scoring method for between the objects of the first and second document.

(Wheeler, col. 20, lines 39-47)

Here, Wheeler is only disclosing the use of a weighting system between two documents wherein the first document becomes a query that is used to search a second document. Wheeler is not disclosing, "generating a list of one or more related documents ranked based upon relevance to a ... the first representation that includes a set of terms and one or more weighted values associated with each term." Therefore, Wheeler does not disclose or suggest the limitations stated in claim 1 and, in fact, explicitly teaches away from the limitations stated in claim 1.

Applicants respectfully assert that Wheeler does not disclose the first representation including a set of terms and one or more weighted values associated with each term in the set of terms. Further, Applicants respectfully assert that Wheeler does not disclose the generation of a list of one or more related documents ranked upon relevance to a first representation of content. Therefore, Wheeler does not disclose or suggest all the limitations stated in claim 1. Thus, claim 1 is not anticipated under 35 U.S.C. §102(e) by Wheeler.

Claims 2-12 all depend upon and include the limitations of claim 1. Therefore claims 2-12 are also not anticipated by Wheeler under 35 U.S.C. §102(e).

Likewise, Independent claim 13 includes the limitation "the first representation including a set of terms and one or more weighted values associated with each term in the set of terms." Independent claim 13, also includes the limitation "the generation of a list of one or more related documents ranked based upon relevance to a first representation of content."

As discussed above, Wheeler does not disclose, “the first representation including a set of terms and one or more weighted values associated with each term in the set of terms.” Wheeler also does not disclose, “the generation of a list of one or more related documents ranked based upon relevance to a first representation of content.” As such, claim 13 is not anticipated by Wheeler under 35 U.S.C. § 102(e).

Claims 14-20 all depend upon and include the limitations of claim 13. Therefore claims 14-20 are also not anticipated by Wheeler under 35 U.S.C. §102(e).

Applicants respectfully assert that independent claim 21 is not anticipated by Wheeler under 35 U.S.C. § 102(b). Claim 21 states:

A method, comprising:  
    receiving a reference extensible markup language document as a first input to an engine;  
    specifying a first field in the reference extensible markup language document as a second input to an engine;  
    generating a list of related documents ranked based upon their semantic similarity to content in the first field in the reference extensible markup language document; and  
    generating a link to each related document in the list.

(Emphasis Added)

Applicants traverse the Examiner's assertions on what Wheeler discloses. As discussed above, the cited sections of Wheeler merely disclose the use of a weighting system between two documents wherein the first document becomes a query that is used to search a second document. Wheeler is completely silent regarding “generating a list of related documents ranked based upon their semantic similarity to content in the first field in the reference extensible markup language document.” Therefore, claim 21 is not anticipated by Wheeler under 35 U.S.C. § 102(e).

Claims 22-23 depend upon and include the limitations of claim 21. Therefore claims 22-23 are also not anticipated by Wheeler under 35 U.S.C. §102(e).

Independent claim 24, includes the limitation "generating a list of related documents ranked based upon their semantic similarity to content in the first field in the reference extensible markup language document." As discussed above, Wheeler does not disclose, "generating a list of related documents ranked based upon their semantic similarity to content in the first field in the reference extensible markup language document." As such, claim 24 is not anticipated by Wheeler under 35 U.S.C. § 102(e).

Claims 25-26 depend upon and include the limitations of claim 24. Therefore claims 25-26 are also not anticipated by Wheeler under 35 U.S.C. §102(e).

Independent claim 27, includes the limitation "the first representation including a set of terms and one or more weighted values associated with each term in the set of terms." Independent claim 27, also includes the limitation "the generation of a list of one or more related documents ranked upon relevance to a first representation of content."

As discussed above, Wheeler does not disclose "the first representation including a set of terms and one or more weighted values associated with each term in the set of terms." Wheeler also does not disclose, "the generation of a list of one or more related documents ranked upon relevance to a first representation of content." As such, claim 27 is not anticipated by Wheeler under 35 U.S.C. § 102(e).

Claim 28 depends upon and includes the limitations of claim 27. Therefore claim 28 is also not anticipated by Wheeler under 35 U.S.C. §102(e).

In Regards to independent claim 29, the Examiner states:

- a). executing a query on content from a active desktop window without a user having to request the query (col. 19, lines 60-64 and Fig. 24).
- b). generating a ranked list of documents related to the content based on the content in the active desktop window (col. 2, lines 11-13);
- c). generating links to the documents (col. 2, lines 21-26).

(Office Action page 2)

However, Applicants assert that Wheeler does not anticipate independent claim 29 under 35 U.S.C. §102(e). Claim 29 states:

29. A method comprising:  
executing a query on the content from an active desktop window  
without a user having to request the query;  
generating a ranked list of documents related to the content based on  
the content in the active desktop window; and  
generating links to the documents.

(Emphasis Added)

Wheeler does not disclose executing a query on the content from an active desktop window. Wheeler states:

A first document in a hierarchal language may be annotated with a scoring method or algorithm (measure), weighting and parent scoring method or algorithm, the annotated first document becoming a query which is used to search a second document.

(Wheeler, col. 19, lines 60-64)

Nothing in the above language of Wheeler discloses the executing a query on the content from an active desktop window. In fact, Wheeler does not disclose anything to do with an active desktop window. If a reference does not discuss a limitation, the reference cannot disclose or suggest the limitation.

Wheeler also fails to disclose the generating a ranked list of documents related to the content based on the content in the active desktop window. Wheeler states:

It uses a hierarchy of parent and child categories to be searched, linking each child category with its parent category.  
(Wheeler, col. 2, lines 11-13)

As stated above, Wheeler does not disclose anything to do with an active desktop window as taught in claim 29. Therefore, Wheeler does not disclose or suggest the limitations stated in claim 29 and, in fact, explicitly teaches away from the limitations stated in claim 29.

Independent claim 35, includes the limitation "executing a query on the content from an active desktop window." Independent claim 35, also includes the limitation "generating a ranked list of documents related to the content based on the content in the active desktop window."

As discussed above, Wheeler does not disclose, "executing a query on the content from an active desktop window." Wheeler also does not disclose, "generating a ranked list of documents related to the content based on the content in the active desktop window." As such, claim 35 is not anticipated by Wheeler under 35 U.S.C. § 102(e).

Claims 36-38 all depend upon and include the limitations of claim 35. Therefore claims 35-38 are also not anticipated by Wheeler under 35 U.S.C. §102(e).

Independent claim 39, includes the limitation "executing a query on the content from an active desktop window." Independent claim 39, also includes the limitation "generating a ranked list of documents related to the content based on the content in the active desktop window."



As discussed above, Wheeler does not disclose, “executing a query on the content from an active desktop window.” Wheeler also does not disclose, “generating a ranked list of documents related to the content based on the content in the active desktop window. As such, claim 39 is not anticipated by Wheeler under 35 U.S.C. § 102(e).

Claims 40-43 all depend upon and include the limitations of claim 35. Therefore claims 40-43 are also not anticipated by Wheeler under 35 U.S.C. §102(e).

### **35 U.S.C. §103 rejections**

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wheeler, as applied to claims 1-5, 7-9, 13-17, 19-30, 35-36, and 39-41 above and in view of U.S. Patent Number 6,026,409 by Blumenthal (hereinafter “Blumenthal”).

Applicants respectfully traverse these rejections and submit that the combination of Wheeler and Blumenthal do not make claim 6 obvious under 35 U.S.C. §103(a).

As discussed above, Wheeler does not disclose, “the first representation including a set of terms and one or more weighted values associated with each term in the set of terms.” Wheeler also does not disclose, “the generation of a list of one or more related documents ranked based upon relevance to a first representation of content.”

Applicants also submit that Blumenthal does not disclose, “the first representation including a set of terms and one or more weighted values associated with each term in the set of terms.” Blumenthal also does not disclose, “the generation

of a list of one or more related documents ranked based upon relevance to a first representation of content." Blumenthal is completely silent regarding 1) a representation including a set of terms and one or more weighted values associated with each term and 2) generating of a list related documents ranked based upon relevance to the representation of content. If a reference does not discuss a limitation, then that reference cannot disclose or suggest that limitation.

Furthermore, even if Wheeler and Blumenthal were combined, such a combination would lack "the first representation including a set of terms and one or more weighted values associated with each term in the set of terms ... and the generation of a list of one or more related documents ranked based upon relevance to a first representation of content." By way of contrast, the combination of Wheeler and Blumenthal would disclose the use of a weighting system between two documents wherein the first document becomes a query that is used to search a second document.

Therefore, in view of the above distinction, neither Wheeler nor Blumenthal, individually or in combination, disclose each and every limitation of claim 6. As such, claim 6 is not rendered obvious by Wheeler in view of Blumenthal under 35 U.S.C. § 103(a).

Applicants respectfully submit that Wheeler does not suggest a combination with Blumenthal, and Blumenthal does not suggest a combination with Wheeler because Wheeler specifically teaches away from such a combination. It would be impermissible hindsight to combine Wheeler with Blumenthal based on applicants' own disclosure.

Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wheeler, as applied to claims 1-5, 7-9, 13-17, 19-30, 35-36, and 39-41 above and in view of U.S. Patent Number 5,675,819 by Schuetze (hereinafter "Schuetze").

Applicants respectfully traverse these rejections and submit that the combination of Wheeler and Schuetze do not make claim 10 obvious under 35 U.S.C. §103(a).

As discussed above, Wheeler does not disclose, "the first representation including a set of terms and one or more weighted values associated with each term in the set of terms." Wheeler also does not disclose, "the generation of a list of one or more related documents ranked based upon relevance to a first representation of content."

Applicants also submit that Schuetze does not disclose, "the first representation including a set of terms and one or more weighted values associated with each term in the set of terms." Schuetze also does not disclose, "the generation of a list of one or more related documents ranked based upon relevance to a first representation of content." Schuetze is completely silent regarding 1) a representation including a set of terms and one or more weighted values associated with each term and 2) generating of a list related documents ranked based upon relevance to the representation of content. If a reference does not discuss a limitation, then that reference cannot disclose or suggest that limitation.

Furthermore, even if Wheeler and Schuetze were combined, such a combination would lack "the first representation including a set of terms and one or more weighted values associated with each term in the set of terms ... and the generation of a list of one or more related documents ranked based upon relevance to a first representation of

content.” By way of contrast, the combination of Wheeler and Schuetze would disclose the use of a weighting system between two documents wherein the first document becomes a query that is used to search a second document.

Therefore, in view of the above distinction, neither Wheeler nor Schuetze, individually or in combination, disclose each and every limitation of claim 10. As such, claim 10 is not rendered obvious by Wheeler in view of Schuetze under 35 U.S.C. § 103(a).

Applicants respectfully submit that Wheeler does not suggest a combination with Schuetze, and Schuetze does not suggest a combination with Wheeler because Wheeler specifically teaches away from such a combination. It would be impermissible hindsight to combine Wheeler with Schuetze based on applicants' own disclosure.

Claims 11-12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wheeler, as applied to claims 1-5, 7-9, 13-17, 19-30, 35-36, and 39-41 above and in view of U.S. Patent Number 5,983,216 by Kirsch (hereinafter “Kirsch”).

Applicants respectfully traverse these rejections and submit that the combination of Wheeler and Kirsch do not make claims 11-12 obvious under 35 U.S.C. §103(a).

As discussed above, Wheeler does not disclose, “the first representation including a set of terms and one or more weighted values associated with each term in the set of terms.” Wheeler also does not disclose, “the generation of a list of one or more related documents ranked based upon relevance to a first representation of content.”

Applicants also submit that Kirsch does not disclose, "the first representation including a set of terms and one or more weighted values associated with each term in the set of terms." Kirsch also does not disclose, "the generation of a list of one or more related documents ranked based upon relevance to a first representation of content." Kirsch is completely silent regarding 1) a representation including a set of terms and one or more weighted values associated with each term and 2) generating of a list related documents ranked based upon relevance to the representation of content. If a reference does not discuss a limitation, then that reference cannot disclose or suggest that limitation.

Furthermore, even if Wheeler and Kirsch were combined, such a combination would lack "the first representation including a set of terms and one or more weighted values associated with each term in the set of terms ... and the generation of a list of one or more related documents ranked based upon relevance to a first representation of content." By way of contrast, the combination of Wheeler and Kirsch would disclose the use of a weighting system between two documents wherein the first document becomes a query that is used to search a second document.

Therefore, in view of the above distinction, neither Wheeler nor Kirsch, individually or in combination, disclose each and every limitation of claims 11-12. As such, claims 11-12 are not rendered obvious by Wheeler in view of Kirsch under 35 U.S.C. § 103(a).

Applicants respectfully submit that Wheeler does not suggest a combination with Kirsch, and Kirsch does not suggest a combination with Wheeler because Wheeler

specifically teaches away from such a combination. It would be impermissible hindsight to combine Wheeler with Kirsch based on applicants' own disclosure.

Claims 18, 33, 34, 38, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler, as applied to claims 1-5, 7-9, 13-17, 19-30, and 39-41 above and in view of U.S. Patent 5,675,819 by Agrawal, et al. (hereinafter "Agrawal").

Applicants respectfully traverse these rejections and submit that the combination of Wheeler and Agrawal do not make claims 18, 33, 34, 38, and 43 obvious under 35 U.S.C. §103(a).

As discussed above, Wheeler does not disclose, "executing a query on content from an active desktop window without a user having to request the query."

Applicants also submit that Agrawal does not disclose, "executing a query on content from an active desktop window without a user having to request the query." Agrawal is completely silent regarding executing a query on content from an active desktop window without a user having to request the query. If a reference does not discuss a limitation, then that reference cannot disclose or suggest that limitation.

Furthermore, even if Wheeler and Agrawal were combined, such a combination would lack "executing a query on content from an active desktop window without a user having to request the query." In fact, the combination of Wheeler and Agrawal do not even discuss the use of an active desktop window.

Therefore, in view of the above distinction, neither Wheeler nor Agrawal, individually or in combination, disclose each and every limitation of claims 18, 33, 34,

38, and 43. As such, claims 18, 33, 34, 38, and 43 are not rendered obvious by Wheeler in view of Agrawal under 35 U.S.C. § 103(a).

Applicants respectfully submit that Wheeler does not suggest a combination with Agrawal, and Agrawal does not suggest a combination with Wheeler because Wheeler specifically teaches away from such a combination. It would be impermissible hindsight to combine Wheeler with Agrawal based on applicants' own disclosure.

Claims 31, 32, 37, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler, as applied to claims 1-5, 7-9, 13-17, 19-30, and 39-41 above and in view of U.S. Patent 20030084040A1 by Jeffrey (hereinafter "Jeffrey").

Applicants respectfully traverse these rejections and submit that the combination of Wheeler and Jeffrey do not make claims 31, 32, 37, and 42 obvious under 35 U.S.C. §103(a).

As discussed above, Wheeler does not disclose, "executing a query on content from an active desktop window without a user having to request the query."

Applicants also submit that Jeffrey does not disclose, "executing a query on content from an active desktop window without a user having to request the query." Jeffrey is completely silent regarding executing a query on content from an active desktop window without a user having to request the query. If a reference does not discuss a limitation, then that reference cannot disclose or suggest that limitation.

Furthermore, even if Wheeler and Jeffrey were combined, such a combination would lack "executing a query on content from an active desktop window without a user

having to request the query.” In fact, the combination of Wheeler and Jeffrey do not even discuss the use of an active desktop window.

Therefore, in view of the above distinction, neither Wheeler nor Jeffrey, individually or in combination, disclose each and every limitation of claims 31, 32, 37, and 42. As such, claims 31, 32, 37, and 42 are not rendered obvious by Wheeler in view of Jeffrey under 35 U.S.C. § 103(a).

Applicants respectfully submit that Wheeler does not suggest a combination with Jeffrey, and Jeffrey does not suggest a combination with Wheeler because Wheeler specifically teaches away from such a combination. It would be impermissible hindsight to combine Wheeler with Jeffrey based on applicants' own disclosure.



**Conclusion**

It is respectfully submitted that in view of the remarks set forth herein, the rejections have been overcome. Applicants reserve all rights with respect to the application of the doctrine equivalents. If there are any additional charges, please charge them to our Deposit Account No. 02-2666. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Thomas S. Ferrill  
Reg. No. 42,532  
Tel.: (408) 720-8300

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026